

**CBH LEGISLATIVE UPDATE
FINAL REPORT 2013**

BILL	TITLE/DESCRIPTION	CBH POSITION	STATUS
HB43/SB124	Income Tax Credit for Qualifying Employees – Sunset Repeal and Expansion (Glass/Peters et al) Makes permanent the tax credit for employers who hire people with disabilities and adds veterans with specified conditions to the credit. See also SB353 (Currie) that would make permanent the current disability tax credit program	Support	HB43/SB124 PASSED amended; deleted the veterans piece and added intent language SB353 died in committee
HB48/SB1066	Minority Business Enterprises - Not for Profit Entities... (B. Robinson/Pugh) Would deny MBE status for nonprofits with budgets above \$1.5million and Boards whose members aren't at least 50% "socially and economically disadvantaged"	Monitor Disability advocates proposed amendments as described	PASSED amended to preserve preferred status for the preference purchase program that employs persons with disabilities and to grandfather in nonprofit MBE contracts awarded prior to 7/1/15 until they expire
HB56 SB372/HB712 HB60 HB805 SB593/HB1115 SB837/HB1290	Professional Counselors and Therapists – Qualifications...Disciplinary Actions (Smigiel and Dumais) Among other provisions would require LCPCs and other counselors under the Board to obtain FBI-type criminal background checks as a condition of licensure; requires this upon licensure renewal beginning on a "cycle" in 2015 and every 6 years thereafter so all counselors are affected. See also SB372/HB712 (Robey/B. Robinson et al)) that would require health occupation boards, presumably including the Board of Professional Counselors, to adopt regulations before mandating background checks. See also HB60 (Smigiel and Dumais) prohibiting counselors from having sex with clients and with those who have been clients within 2 years. See also HB805 (Hubbard) that requires the Board of Professional Counselors to include a checklist of application-related information, specifies various provisions concerning denials, and sets timelines. See also SB593/HB1115 (Montgomery/Cullison et al) allowing health occupation boards to issue licenses and conduct related business electronically, among other provisions. See also SB837/HB1290 (Young/Frank) dealing with "prohibition of stays" concerning disciplinary procedures	Monitor	HB56 PASSED amended to apply the background check mandate now for new applicants and 2015 for renewals SB372 recommitted to EHEA, killing it/HB712 withdrawn (killed) HB60 passed House amended, died in JPR HB805 withdrawn (killed) SB593/HB1115 PASSED amended SB837 passed Senate, killed by HGO/HB1290 withdrawn (killed)
HB61/SB632	State Brain Injury Trust Fund (McConkey and Waldstreicher/King) Establishes such a fund to provide specified services	Monitor	SB632 PASSED amended to delete funding source
HB67/SB121	Health Care Decisions Act...Psychologists (Kipke/Klausmeier) A psychologist instead of a second physician would be able to certify incapacity to make medical decisions	Monitor	HB withdrawn(killed)/ SB passed Senate, died in HGO

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HB98/SB254 HB274/SB345	State Board...Psychologists – License Renewal (Hubbard/Montgomery et al) Makes logistical changes to the renewal process. More sweeping bill affecting psychologists is HB274/SB345 (Hubbard/Montgomery) that deals with licensure of psychology associates and related matters	Monitor	HB98/SB254 PASSED HB274 passed House amended, killed by EHEA/SB345 killed by EHEA
HB100/SB125 HB101/SB126 HB102/SB127	These are the state Budget Bill, Capital Bond Bill, and Budget Reconciliation and Financing Act of 2013 . The operating budget contains a 2.54% inflationary increase in community mental health rates as well as an increase in rates for certain psychiatrist codes to bring them to Medicare equivalence effective July 1, 2013. The community bond bill request for mental health, developmental disabilities and addictions includes funds for several CBH member agencies	Prevent cuts, make psychiatrist E/M code increase retro to Jan, use MHA surplus for health home start-up	HB100 and HB102 PASSED amended. The 2.54% community mental health rate increase survived. The Governor's supplemental added \$5 million for expanded crisis services and related initiatives but then cut \$7.2 million from a projected FY13 MHA surplus including deleting an HB102 provision to direct \$2.1 million of FY13 funds to make the doc E/M increase retro to Jan. HB100 delayed health homes until Oct 1 and provided no start-up money. HB101 PASSED amended; \$5.25 million for the community bond program survived in tact and another CBH agency bond request was incorporated into the bill
HB138 SB450	Video Lottery Proceeds...Mental Health Services at Public Schools (Kipke et al) Would add "funds for mental health services for students at public elementary and secondary schools" to the list of Education Trust Fund categories supported by slots money. SB450 (Anne Arundel Senators) is nearly identical	Monitor	Both died in committee
HB228/SB274	Maryland Health Progress Act of 2013 (Admin) This year's health care reform implementation bill, it includes many policy and technical provisions such as codifying the ACA's Medicaid expansion in state law. One section deals with continuity of care	Support with amendments related to network	PASSED amended to include several improvements

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	and includes "mental health conditions and substance use disorders" among conditions that enable a consumer to continue with a current provider for up to 90 days	adequacy, continuity of care	offered by behavioral health stakeholders
HB294/ SB281	Firearm Safety Act of 2013 (Admin) This is the Governor's gun control bill. Mental health stakeholders are examining provisions concerning which persons with mental disorders are reported to the national background check data base, among other issues	Amend re reporting	SB281 PASSED amended with less harmful and more balanced reporting requirements than proposed in various versions of this and other bills
HB317	State Government – E-Verify Program (W. Miller et al) Requires entities with state contracts to use federal E-Verify to prevent employment of "unauthorized alien" workers	Monitor	Died in HGO
HB327/ SB385	State Government...Provider Data Warehouse (Ready et al/Pugh et al) MARFY initiative to set up an internet-based data warehouse (document vault) to eliminate duplicative and voluminous submissions to multiple state agencies by health, education and social service providers	Monitor	PASSED amended
HB361	Health Insurance – Conformity with Federal Patient Protection and Affordable Care Act (MIA) Aligns aspects of state insurance law with the ACA through many technical provisions	Monitor	PASSED amended
HB474/ SB611	Health Occupations – Maryland Behavior Analysts Act (Reznik et al/Klausmeier) Creates a new Board and licensing process for the practice of behavior analysis defined as "the design, implementation and evaluation of systemic instructional and environmental modifications to produce socially significant improvements in human behavior"	Monitor	HB withdrawn (killed) SB withdrawn (killed)
HB509	Maryland False Claims Act of 2013 (Arora et al) Broader than the false health care claims legislation of prior years, this pertains to false claims against a government entity, largely payment-related	Monitor	Killed by JUD
HB570	State Government – Inspector General (W.Miller et al) Would create a statewide Inspector General to investigate "the management and affairs of (state agencies) concerning waste, mismanagement, misconduct, abuse, fraud, and corruption," among other duties. Would not replace the DHMH OIG. See also HB574 (W. Miller et al), a constitutional amendment to create a state Office of the Inspector General	Monitor	HB570 and HB574 killed by HGO
HB601	Education – Loan Assistance – Professional Counselors and Alcohol and Drug Counselors (Hubbard) Includes counselors in the state Janet L Hoffman Loan Assistance Repayment Program	Monitor	Died in W&M
HB630	Rules of Interpretation - Interpretation of "Physician" - Inclusion of Advanced Practice Nurse and Physician Assistant (Nathan-Pulliam et al) Allows clinicians such as nurse practitioners to sign or otherwise endorse documents that physicians do if within scope of practice	Support	Withdrawn (killed)

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HB788/ SB756	Living Wage Law – Application and Enforcement (Hucker et al/Ramirez) Applies the living wage mandate to nonprofit organizations so could affect CBH member agencies with state contracts over \$100,000	Oppose	HB withdrawn (killed)/SB killed by FIN
HB806	Health Occupations – State Board of Social Work Examiners – Revisions (Hubbard) Makes numerous changes to social work licensing provisions including requiring criminal background checks upon initial licensure	Monitor	PASSED amended
HB810 HB1133 HB1355	Mental Health Professionals – Duty to Report Risk of Serious Harm – Firearm Safety (Simmons et al) Requires clinicians in the course of treatment to report indication of dangerousness to self or others to the Director of Mental Hygiene who would then report that information to the State Police for determination as to whether the individual being treated should be able to possess a firearm. See also HB1133 (Wilson et al) that would ban possession of firearms by specified persons with mental disorders including those who've been confined to a psychiatric hospital for more than 30 days. See also HB1355 (Costa) that requires certification by a mental health professional in connection with application for a firearm, among other provisions	Oppose	HB810 died in HGO and JUD HB1133 withdrawn (killed) HB1355 withdrawn (killed)
HB821	Courts and Judicial Proceedings – Communications Between Patient and Psychiatrist or Licensed Psychologist – Exceptions to Privilege (Simmons) Adds two exceptions: in a criminal proceeding against the patient or if the patient is using services to further fraud or a crime	Monitor	Passed House amended to add protections for psychiatric nurses and social workers, died in JPR
HB869/ SB881	Community Health Resources Commission – Revisions (Hubbard/Middleton) Broadens mission a bit to promote health care access and makes certain procedural changes	Support	SB881 PASSED amended
HB874	Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms – Extension (Rosenberg and Simmons) Extends this Task Force to June 30, 2014	Monitor	Passed House, died in Senate Rules
HB919	Property Tax Credit – Group Homes – Power Generators (Valentino-Smith) Would provide such a credit against local property taxes up to \$1,000	Monitor	Died in W&M
HB945	Children's Cabinet...Study of Health and Social Services Needs of Juveniles (Valentino-Smith et al) Requires the GOC to review and report on "efforts or programs related to mental, emotional, and behavioral disorders in juveniles" and make recommendations concerning specified service models	Monitor	Withdrawn (killed)
HB969	Commission to Consider Mental Health-Related Ways to Limit Mass Violence by Individuals with Antisocial Personality Disorders, Depressive Disorders or Other Mental Illnesses (George et al) Establishes such a Commission to report by December 2013	Oppose	Withdrawn (killed)
HB1120/ SB972	Mental Hygiene Administration – Upper Shore Community Mental Health Center – Reopening and Maintenance (Jacobs/Pipkin) Declaring the intent of the General Assembly that this facility be reopened	Oppose	HB killed by HGO/SB passed Senate amended to a task force, died in House

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			Rules
HB1258/ SB1040	Mental Hygiene – Reform of Laws and Delivery of Services (Hough et al/Garagiola) Adds “gravely disabled” to the standard for involuntary commitment and emergency petition evaluation and creates a Task Force on the Delivery of Services to Individuals with Mental Illnesses	Oppose	HB died in HGO SB passed Senate amended, died in House Rules
HB1275	Public Safety – Regulated Firearms – Firearm and Permit Surcharge (Cardin et al) Adds a \$10 fee to every gun purchase and a \$25 fee to every gun permit that would go into the Mental Health Services Fund to “fund local and statewide mental health services programs”	Support	Died in JUD
HB1329	Medical Assistance Programs – Fraud and Abuse Prevention (Hixson et al) Requires DHMH to implement a “prepayment provider verification and screening system” that takes specified steps to reduce fraud by Medicaid and MCHP billers	Monitor	Withdrawn (killed)
HB1423	Task Force to Study Mental Illness Among Students in Public Schools (Smigiel et al) Establishes such a task force to make recommendations by December 15, 2013 on how to improve diagnosis and treatment of students with mental illness in public schools	Monitor	Died in House Rules
HB1484	Mental Health – Crisis Response – Standards and Protocols (Nathan-Pulliam) Requires the Mental Hygiene Admin to develop standards for “mobile mental health crisis response teams”	Monitor	Died in House Rules
HB1496	Mental Hygiene Administration – Psychiatric Bed Registry – Report (Rosenberg and Hubbard) Requires MHA to issue a report to the General Assembly by December 2013 on progress in implementing and operating this bed locator registry	Monitor	Died in House Rules
SB83	Dept of Aging – Aging and Disability Resource Center Program – Maryland Access Point (Dept of Aging) Establishes such a program in state law to assist older adults and individuals with disabilities with information on specified services and supports	Monitor	PASSED amended
SB94 HB876	Child Abuse and Neglect – Notice and Reporting Requirements, Disclosure and Task Force (Kelley et al) Failure to report could result in a fine of up to \$10,000. See also HB876 (Dumais and Rosenberg) that allows the state to bring a civil action, with a penalty up to \$100,000, against health care practitioners and others for failure to report child abuse	Monitor	SB died in JPR HB killed by JUD
SB382	Mental Health – Emergency Evaluations – Surrender of Firearms (Brochin and Raskin) Requires individuals filing an emergency petition to state whether the evaluatee “has possession of or access to any firearms” and allows a court to order the evaluatee to surrender the firearms to a peace officer	Monitor	Withdrawn (killed)
SB442 HB679 and	Residential Child Care Programs – Memorandum of Understanding (Gladden) Requires an agency operating a residential care program such as a therapeutic group home to enter into a memorandum of understanding with the community	Monitor	SB442 was amended to apply to transitional housing programs for persons

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SB939/ HB1307	organization representing the neighborhood in which the home is located. See also HB679 (Walker) and SB939/HB1307 (Muse/Valderrama and V. Turner) requiring the Dept of Juvenile Services to notify local law enforcement of its intent to place a group home in a community		in addiction recovery and then killed by EHEA/HB679 and HB1307 killed by JUD SB939 passed Senate, died in JUD
SB460/ HB723	Health Occupations – Physicians Assistants – Authority to Practice (Conway and Middleton/Tarrant et al) Would allow PAs to be among the clinicians who can sign an emergency petition, among other provisions. Md Psychiatric Society is amending or opposing; PAs have no psychiatric specialty	Monitor	PASSED amended
SB479/ HB854	Criminal Procedure – Expungement of Records – Not Criminally Responsible (Gladden and Forehand/Dumais et al) Authorizes persons found not criminally responsible to petition to expunge the criminal record for specified misdemeanors	Support	HB PASSED amended
SB487/ HB603	Human Relations – Housing Discrimination – Source of Income (Raskin et al/Lafferty et al) A bill introduced many times in the past to prevent landlords from refusing to rent to individuals because their source of income is an entitlement or because they have a housing voucher	Support	SB FAV amended but recommitted to JPR after days of debate, killing it/HB died in ENV
SB496/ HB931	Maryland Medical Assistance Program – Telemedicine (Pugh et al/Lee et al) Requires full coverage by Medicaid of telemedicine services; as of now DHMH allows it only in certain rural areas for limited purposes such as mental health treatment. See also SB776/HB934 (Pugh/Lee et al) to set up a Task Force on the Use of Telehealth to Improve Maryland Health Care	Support	SB496 PASSED amended to very limited health conditions SB776/HB934 PASSED amended including CBH's proposed changes
SB512/ HB1356	Health Care Practitioners – Identification Badge (Montgomery et al/Cullison et al) Requires all licensed practitioners to wear a license or certification "identification tag" during a patient encounter with certain exceptions	Monitor	SB PASSED amended
SB556/ HB1112	Criminal Procedure – Persons Committed as Not Criminally Responsible – Release (Stone/Mitchell) Requires the State's Attorney to be part of release proceedings and requires the court to hold a de novo hearing in cases involving crimes of violence	Monitor	SB killed by JPR/HB killed by JUD
SB557/ HB1481	Medical Records – Disclosure in Response to Compulsory Process – Requirements (Stone/Waldstreicher) Requires a "person in interest" to make specified certifications in particular legal proceedings	Monitor	SB PASSED amended
SB570/ HB897	Professional Licensing and Certification Governing Bodies – Child Abuse Mandated Reporter Training and Discipline (Shank et al/Hough et al) Among other provisions, requires each health occupation board to adopt regulations requiring training in the recognition of child abuse as well as regulations concerning discipline for failure to report	Monitor	Both died in committee
SB581/ HB1216	Health Insurance – Federal Mental Health Parity and Addiction Equity Act – Consumer Bill of Rights (Kelley et al/A. Kelly et al) Requires insurers to provide policy holders with	Support	PASSED amended

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	information about the federal parity law and the complaint process available to consumers concerning compliance		
SB582/ HB1252	Health Insurance – Federal Mental Health Parity and Addiction Equity Act -- Utilization Review Criteria and Standards (Kelley et al/A.Kelly et al) Requires a private review agent such as a managed care entity to certify to the state insurance commission that its utilization review practices comply with the federal parity law	Support	PASSED amended
SB585/ HB1001	Health Insurance – Federal Mental Health Parity and Addiction Equity Act – Report on Compliance (Middleton et al/Hammen et al) Requires insurers and HMOs to certify to the state insurance commission whether and how their policies comply with the federal parity law with specified details	Support	SB died in FIN/HB withdrawn (killed)
SB610/ HB890	Health – Overdose Response Program – Establishment (Klausmeier et al/Bromwell) This DHMH program would provide a means of authorizing specified individuals to administer naloxone to individuals experiencing opioid overdose, among other provisions. See also SB1012/HB1424 (Cecil Co Senators/Smigiel) requiring ADAA to require opioid maintenance therapy programs to meet ASAM standards in specified areas	Monitor	SB610/HB890 PASSED amended SB1012 withdrawn (killed)/HB1424 died in House Rules
SB638/ HB841 SB960/ HB1444	Creation of a State Debt...St. Luke's House Renovation Project (Manno et al/ Gutierrez et al) \$100,000 bond bill to support renovation projects by St. Luke's House-Threshold Services United, a CBH member agency. A similar bill but for \$200,000, SB960/HB1444 (Manno/Kramer et al), were introduced later	Support	Bills were not acted upon but HB101 contains \$150,000 for these purposes
SB678 SB818	Juvenile Services – Community-Based Diversion Pilot Program (Pugh) In consultation with the Annie E Casey Foundation, would pilot a program for community alternatives to commitment to residential placements. See also SB818 (Frosh), the Community Juvenile Services Program , to reduce the number of youth committed to state custody by diverting them to services in local jurisdictions	Monitor	SB678 killed by JPR SB818 died in JPR
SB683/ HB1204	Labor and Employment – Maryland Wage and Hour Law – Payment of Wages (Garagiola et al/Braveboy et al) Would raise the state minimum wage to \$8.25/hr as of July 2013, \$9.00/hr as of July 2014, and \$10.00/hr as of July 2015	Monitor	SB killed by FIN/ HB died in ECM
SB691/ HB1286	Education – Due Process Hearings for Children with Disabilities – Burden of Proof (Montgomery and Benson/Braveboy and Carr) States that the "public agency" has the burden of proof in disputes concerning special education services	Monitor	SB withdrawn (killed)/HB withdrawn (killed)
SB698/ HB735 HB1331 HB1335	Labor and Employment – Maryland Earned Safe and Sick Leave Act (Garagiola et al/Olszewski et al) This is the expected sweeping mandated sick leave bill. It requires employers to provide sick leave at the rate of 1 hour for every 30 hours worked for all employees including part-time employees. It imposes penalties on employers, including for failure to keep records on the provision and tracking of sick leave. It appears the bill does not accommodate for the paid-time-off (PTO)	Oppose	SB died in FIN/HB killed by ECM HB1331 and HB1335 killed by ECM

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	practices many CBH agencies use that combine annual and sick leave. Another sick leave bill, HB55 , was withdrawn. See also HB1331 (A. Miller et al) requiring employers with 15-49 employees to provide six workweeks of parental leave for the birth of a child or for adoption or foster care placement and HB1335 (A. Kelly et al) requiring all employers to offer and pay for short-term disability insurance for pregnancy		
SB700/ HB683	Tobacco Taxes – Healthy Maryland Initiative (Jones-Rodwell et al/Luedtke et al) Raises the state tobacco tax by 50% with the proceeds going to expanded smoking cessation programs and related health care purposes	Monitor	Both died in committee
SB746/ HB1015	Health Insurance – Step Therapy or Fail First Protocol (Middleton/Bromwell and Kach) Sets limits on the time insurers can require these prescription drug protocols and requires clear consumer guidance on overriding them	Support	Both died in committee
SB764/ HB823	Task Force to Study Housing and Supportive Services for Unaccompanied Homeless Youth (Conway/M. Washington et al) Establishes such a Task Force focused on the needs of unaccompanied homeless youth ages 13-25	Monitor	PASSED amended
SB822/ HB1245	Mental Health and Substance Use Disorder Safety Net Act of 2013 (Madaleno and Montgomery/Rosenberg et al) This is the Mental Health Coalition bill to expand crisis services, school-based mental health programs and other essential community supports and services in response to historic underfunding and unmet need	Support	Both died in committee (had no chance because of large cost)
SB956/ HB1377	State Government – Mental Health and Law Enforcement Advisory Board (Brinkley/James) Establishing such a Board to make recommendations by June 2014 on setting up a MD Criminal Justice and State Behavioral Health Technical Assistance Center	Amend to give tasks to an existing body	Both withdrawn (killed) prior to hearings

HOUSE		SENATE	
Appropriations	APP	Budget & Taxation	B&T
Economic Matters	ECM	Education, Health & Environmental Affairs	EHEA
Environmental Matters	ENV	Finance	FIN
Health & Government Operations	HGO	Judicial Proceedings	JPR
Judiciary	JUD	Passed House & Senate, signed by Gov or awaiting signature	PASSED
Ways & Means	W&M		

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